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Attorneys for Defendants RENN TRANSPORTATION COMPANY,
BRAD RENN, PATRICIA RENN, ANN RENN AND ROBERT RENN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CATERPILLAR, INC., a Delaware
Corporation,

Plaintiff,

v.

RENN TRANSPORTATION COMPANY,
a California General Partnership, BRAD
RENN, GERALD RENN, PATRICIA
RENN, ANN RENN, AND ROBERT
RENN, individuals, and DOES 1-10,

Defendants.

Case No. 5:06-cv-04529-JW

**STIPULATION AND ~~PROPOSED~~
ORDER SELECTING ADR PROCESS**

COUNSEL HEREBY REPORT that they have met and conferred regarding ADR and
have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5.

IT IS HEREBY STIPULATED AND AGREED that the parties will participate in the
Court's mediation program pursuant to ADR L.R. 6. However, the parties are still considering
the possibility of utilizing a private mediation service, and will advise the Court should the parties
later agree upon a private mediator as an alternative to the Court's mediation program.

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1 IT IS FURTHER STIPULATED AND AGREED that the parties will participate in the
2 aforementioned ADR process within 90 days from the date of the Court's Order referring the case
3 to an ADR process.
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5 Dated: November 6, 2006

FOLGER LEVIN & KAHN LLP

7 /s/ *Karen J. Petrulakis*
8 Karen J. Petrulakis
9 Attorneys for Defendants
Renn Transportation Company, Brad Renn, Patricia
Renn, Ann Renn and Robert Renn
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12 Dated: November 6, 2006

SEDGWICK, DETERT, MORAN & ARNOLD LLP

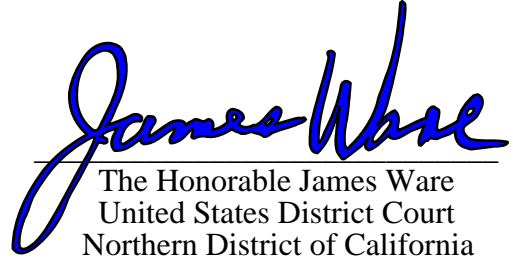
14 /s/ *Randall G. Block*
15 Randall G. Block
Attorneys for Plaintiff Caterpillar, Inc.
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[PROPOSED] ORDER

This Stipulation and ~~[Proposed]~~ Order Selecting ADR Process is hereby adopted by the Court, and the parties are ordered to participate in the Court's mediation program pursuant to ADR L.R. 6.

IT IS SO ORDERED.

Dated: November 14, 2006


The Honorable James Ware
United States District Court
Northern District of California

ATTESTATION OF SIGNATURE
(N.D. Cal. General Order No. 45)

I, Karen J. Petrulakis, hereby attest that concurrence in the filing of the *Stipulation and [Proposed] Order Selecting ADR Process* has been obtained from Randall G. Block, attorney for Plaintiff Caterpillar, Inc.

Dated: November 6, 2006

FOLGER LEVIN & KAHN LLP

/s/ *Karen J. Petrulakis*
Karen J. Petrulakis
Attorneys for Defendants
Renn Transportation Company, Brad Renn, Patricia
Renn, Ann Renn and Robert Renn

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